

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Susanne Heun et al.

Application No. 10/576,920

Confirmation No.: 7503

Filed: April 24, 2006

Art Unit: 2815

For: NEW MATERIALS FOR
ELECTROLUMINESCENCE AND THE
UTILIZATION THEREOF

Examiner: Anthony Ho

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement received in a telephone conference with the Examiner on October 27, 2008, applicant hereby provisionally elects claims 1-12, 14-23 and 25-30 for continued examination, with traverse. It is noted that claims 14, 16, 17 and 25 are cancelled. For the elected species, the applicant elects Blend 1, disclosed in table 2 of example 16. The applicant believes that claims 1-4, 9-12, 15, 18-23 and 26-28 read on the elected species.

The Examiner has required restriction between

Group I, claim(s) 1-12, 14-23 and 25-30, drawn to organic semiconductors, mixtures, polymers and uses thereof, containing at least one polymer, at least one structural unit L=X and a triplet emitter.

Group II, claim(s) 13 and 24, drawn to polymers containing at least one structural unit L=X and 9,9'-spirobifluorene units.

Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. It is respectfully submitted that it would be necessary to search in all Classes and subclasses identified at page 2 of the outstanding Official Action.

Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00002-US from which the undersigned is authorized to draw.

Dated: November 21, 2008

Respectfully submitted,

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